

Amendments in the Claims

Please amend claim 1 as follows:

- Sub C1*
- B2*
1. (Twice Amended) A device for processing slaughtered animals or parts thereof, having a first station and a second station, comprising:
- a. a conveyor which extends between the first station and the second station and which comprises at least one substantially stationary slot with a width, a course, a supply end and a discharge end, which at least one slot comprises a first opening at the supply end of the slot and a second opening at the discharge end of the slot, wherein the slot is designed to carry and support the slaughtered animals or parts thereof;
  - b. supply means for supplying the slaughtered animals or parts thereof at the first station on the conveyor;
  - c. discharge means for discharging the slaughtered animals or parts thereof from the conveyor at the second station; and
  - d. at least one driving member which passes through a path which is substantially parallel to the course of the at least one slot and is designed to move the slaughtered animals or parts thereof which are situated in the at least one slot along the at least one slot from the first station towards the second station, wherein the at least one driving member spans at least half the width of the at least one slot.

REMARKS

This Amendment and Response amends claim 1. With this Amendment and Response, claims 1-30 are pending in this application. The undersigned attorney believes that no fees are due for this amendment; however, the Patent Office is authorized to debit deposit account 11-0855 if it determines otherwise.

**I. Specification**

The specification has been amended to correct for an obvious typographical error. This amendment in no way constitutes the addition of new matter.

**II. 35 U.S.C. § 102 Rejections**

The Action rejects claims 1-5, 7, 9-13, 15, 16, 18, 21, and 24 under 35 U.S.C. § 102(a) as being anticipated by Hobbel et al. Applicants respectfully traverse this rejection and ask that it be withdrawn.

Hobbel et al. discloses a transfer device that includes a buffer wheel 15 that supports bird carriers 17 in a slot 95. Birds are transferred from a delivery line 11 into a bird carrier 17 on the buffer wheel 15. The buffer wheel 15 continually rotates and thus carries the bird carriers 17 (with the birds), which remain fixed in position relative to the wheel 15 (*see* col. 8, lines 25-27 (“the bird carrier 17 rests in a fixed position on the buffer wheel 15 as the buffer wheel continues to rotate”)), to the receiving line 12.

Claim 1 recites a conveyor as well as a separate driving member that moves the animals along the slot of the conveyor. As clearly illustrated in FIG. 1 of the Application, the animal or parts are fed at the supply end into slot 12 and urged along the slot towards the discharge end. The Action analogizes the buffer wheel 15 of Hobbel et al. to both the recited conveyor and the driving member. Wheel 15 cannot be both recited elements, however. If the wheel 15 is the recited conveyor, the Action has failed to identify separate structure in Hobbel et al. analogous to the recited driving member that moves the animals or parts thereof along the slot and thus has failed to establish anticipation. *See, e.g., RCA Corp. v. Applied Digital Data Sys., Inc.*, 730 F.2d

1440, 1444 (Fed. Cric. 1984) (explaining that anticipation is only established when a single prior art reference discloses, expressly or under the principles of inherency, each and every limitation of a claimed invention). This is because no structure analogous to the recited driving member exists in Hobbel et al.

Hobbel et al. discloses nothing that moves the birds along the slot 95 and relative to wheel 15. Rather, the carriers 17 with the animals or parts thereof are positioned in the slot and move solely by virtue of the rotating wheel 15 (i.e., the alleged conveyor). The carriers 17 do not move along the slot but rather rotate merely with the wheel 15 as it rotates to carry the birds from one side of the wheel 15 to the receiving line 12 on the other side of wheel 15. There is not a separate component analogous to the claimed driving member that urges the birds or carriers along the slot. But for rotation of wheel 15, the carriers 17 would remain in the same position on the wheel 15 relative to the first and second stations. At least because Hobbel et al. fails to teach or suggest a driving member that moves the animals or parts thereof along a slot from a first station to a second station, it fails to anticipate or render obvious claim 1. Claim 1 is therefore allowable, as are claims 2-5, 7, 9-13, 15, 16, 18, 21, and 24 which ultimately depend from allowable claim 1.

However, while Applicants believe that amendment of claim 1 is unnecessary to distinguish the subject matter recited in original claim 1 from the device of Hobbel et al. (and thus any amendments to claim 1 would be unrelated to patentability), Applicants have amended claim 1 to recite additional structure not disclosed in Hobbel et al. and therefore further

distinguish the subject matter of claim 1 from Hobbel et al. Again, however, Applicants make these amendments solely to expedite issuance of an allowance of the claims.

Claim 1 has been amended to recite that the slot be substantially stationary and that the slot have a first and second opening at a supply end and a discharge end of the slot, respectively. The supply end and discharge end openings of slot 12 are clearly shown in support 8 (FIG. 1) and 808 (FIG. 8). The alleged slot in Hobbel et al. (slot 95) is a closed, continuous, ring-like groove fixedly attached to wheel 15. It is not stationary, but rather continually rotates as wheel 15 rotates by virtue of its fixation to wheel 15. Moreover, because slot 95 in Hobbel et al. is continuous, it has no beginning or end. *See* Hobbel et al., FIG. 1. It thus does not have an end, much less a supply end and a discharge end having a first and second opening, respectively. For these additional reasons, amended claim 1, as well as claims 2-5, 7, 9-13, 15, 16, 18, 21, and 24 which ultimately depend from amended claim 1, are not anticipated by Hobbel et al. and are allowable.

### III. 35 U.S.C. § 103

#### A. Hobbel et al.

The Action rejects claims 22 and 23 under 35 U.S.C. § 103 as being unpatentable over Hobbel et al. or, in the alternative, in view of Brakels et al. Applicants respectfully traverse this rejection and ask that it be withdrawn.

For the reasons explained *supra* Part II, Hobbel et al. fails to teach or suggest the subject matter of amended claim 1 and therefore cannot render obvious claims 22 and 23 which depend from allowable claim 1. Moreover, irrespective of whether the Action's characterization of the

Brakels et al. reference is correct, it fails to cure the deficiencies in the Action's anticipation argument, identified and discussed in Part II. Because none of the cited references, alone or in combination, anticipate or render obvious amended claim 1, claims 22 and 23, which depend from claim 1, are also not obvious and are therefore allowable.

**B. Hobbel et al.**

The Action rejects claims 25-30 under 35 U.S.C. § 103 as being unpatentable over Hobbel et al. Applicants respectfully traverse this rejection and ask that it be withdrawn. Again, for the reasons explained *supra* Part II, Hobbel et al. fails to teach or suggest the subject matter of amended claim 1 and therefore cannot render obvious claims 25-30 which depend from allowable claim 1.

**PETITION FOR ONE-MONTH TIME EXTENSION**

To the extent necessary, under 37 C.F.R. § 1.136(a) (1998) assignee hereby petitions that the period for responding to the Examiner's Action mailed on June 19, 2002 be extended for one month, up to and including October 19, 2002. Enclosed is a check in the amount of \$110 to cover the appropriate fee for this extension under 37 C.F.R. § 1.17.

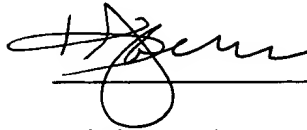
**CONCLUSION**

Applicants respectfully submit that claims 1-30 are in condition for immediate allowance, and request early notification to that effect. If any issues remain to be resolved, the Examiner is

AMENDMENT AND RESPONSE TO OFFICE ACTION  
U.S. Serial No. 09/705,971  
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respectfully requested to contact the undersigned at 404.815.6389 to arrange for a telephone interview prior to issuance of a final Office action.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kristin L. Johnson', written over a horizontal line.

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Marked-up copy of amended specification pursuant to 37 C.F.R. §1.121(b)

Please replace the paragraph that begins on page 4, line 36 of the Specification that begins with "To achieve the abovementioned object, . . ." with the following paragraph:

To achieve the above-mentioned object, the invention is characterized in that the at least one [carrier] driving member spans at least half the width of the at least one slot.

Marked-up copy of amended claims pursuant to 37 C.F.R. § 1.121(c)

1. (Twice Amended) A device for processing slaughtered animals or parts thereof, having a first station and a second station, comprising:

a. a conveyor which extends between the first station and the second station and which comprises at least one substantially stationary slot with a width, [and] a course, a supply end and a discharge end, which at least one slot comprises a first opening at the supply end of the slot and a second opening at the discharge end of the slot, wherein the slot is designed to carry and support the slaughtered animals or parts thereof;

b. supply means for supplying the slaughtered animals or parts thereof at the first station on the conveyor;

c. discharge means for discharging the slaughtered animals or parts thereof from the conveyor at the second station; and

d. at least one driving member which passes through a path which is substantially parallel to the course of the at least one slot and is designed to move the slaughtered animals or parts thereof which are situated in the at least one slot along the at least one slot from the first station towards the second station, wherein the at least one driving member spans at least half the width of the at least one slot.